

HOUSE No. 705

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen R. Canessa

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act creating the non-indigenous species management plan.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen R. Canessa	12th Bristol
Paul Kujawski	8th Worcester
John F. Quinn	9th Bristol
Denise Provost	27th Middlesex
William Smitty Pignatelli	4th Berkshire
Jennifer M. Callahan	18th Worcester
Paul McMurtry	11th Norfolk
Robert M. Koczera	11th Bristol
Thomas P. Kennedy	Second Plymouth and Bristol
David B. Sullivan	6th Bristol
Bruce E. Tarr	First Essex and Middlesex
Susan C. Fargo	Third Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT CREATING THE NON-INDIGENOUS SPECIES MANAGEMENT PLAN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 132 of the General Laws is hereby amended by adding after section 132B the following sections:

Section 132C. Definitions. For the purposes of this chapter, the following terms have the following definitions.

(a) “Biological control organism” means any species used to control a harmful non-indigenous species.

(b) “Control” means eradicating, suppressing, reducing, or managing harmful non-indigenous species populations, preventing the spread of harmful non-indigenous species from areas where they are present and taking steps such as protection and restoration of native species populations and habitats to reduce the impacts of harmful non-indigenous species and to prevent further invasions of harmful non-indigenous species.

(c) “Dispersal” refers to the natural or human-related spread of non-indigenous species from one water, wetland, or land area to other waters, wetlands, or land areas.

(d) “Established” means, when used in reference to a species, occurring as a reproducing, self-sustaining population in an open ecosystem.

(e) “Introduction” means the intentional or unintentional release, escape, dissemination, or placement of a species into an ecosystem as a result of human activity.

(f) “Invasive Plant Atlas of New England” refers to a multi-faceted project designed to provide comprehensive and up-to-date information about invasive plants in New England. The goals of the project are to facilitate education and research leading to a greater understanding of the dynamics of plant invasions, and to support the early detection of new invasions, which will enable rapid management responses.

(g) “Manage” means to prevent new harmful non-indigenous species introductions into the state; to limit the dispersal of established harmful non-indigenous species populations into uninfested land areas, wetlands, and waters of the state; and to abate harmful ecological, economic and public health impacts resulting from the introduction, dispersal, or presence of harmful non-indigenous species in the state.

(h) “Native species” refer to any species originally living, growing, or produced in an ecosystem within its historic range.

(i) “Non-indigenous species” means any non-native plant, animal, or other viable biological material that enters and disperses in an ecosystem beyond its native range.

(j) “Office” means the executive office of environmental affairs.

(k) “Prevent” means to identify and interrupt pathways by which harmful non-indigenous species can be imported, introduced, and dispersed.

(l) “Secretary” means the secretary of the executive office of environmental affairs.

(m) “Species” means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms. The term “species” includes any subspecies of animal, plant, or biological material, and any distinct population segment of any species or animal, plant, or biological material which interbreeds when mature.

(n) “Stakeholders” include, but are not limited to, state and local government agencies, academic institutions, the scientific community, regional entities, tribal governments, non-governmental entities including environmental, agricultural and conservation organizations, trade groups, commercial interests, and private landowners.

Section 2. Management Authority. The Secretary shall have the authority to facilitate the prevention of introduction and dispersal of harmful non-indigenous species in the Commonwealth. Key responsibilities associated with this management authority are as follows:

(a) Interjurisdictional agreements: The Secretary shall seek cooperation, as appropriate, with federal, state and tribal authorities; regional entities; political jurisdictions of the state; and with other state agencies and organizations for the administration of any program established herein.

(b) The Secretary shall establish a statewide program to prevent and curb the spread of harmful non-indigenous species. In addition, the Secretary shall develop and implement programs that are compatible with existing federal and state legislation which include but are not limited to, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4701-4741), the National Invasive Species Act of 1990 (18 U.S.C. 42), the Plant Protection Act (7 U.S.C. 7701-7772).

(c) Program Implementation:

(1) The following mechanisms shall be authorized and utilized to facilitate program implementation: classification and designation of non-indigenous species; regulatory and rule-making provisions; monitoring mechanisms; research projects; permit and inspection procedures; enforcement and penalty stipulations; information and education activities; funding mechanisms; restoration of native species and habitat; regulation of biological control agents; incentives for private landowners; and emergency action protocols.

(2) The Secretary is authorized to routinely and systematically survey private and public lands, with prior approval from the owner of the land, for the presence of non-indigenous species and to map non-indigenous species locations and those areas particularly at risk for non-indigenous species.

(d) State Agency Duties.

(1) To the extent practicable and permitted by law, each state agency whose actions may affect the status of harmful non-indigenous species shall:

(A) identify such actions;

(B) subject to the availability of appropriations, and within Administration budgetary limits, use relevant programs and authorities to:

(i) prevent the introduction of harmful non-indigenous species;

(ii) detect and respond rapidly to and control populations of such species in a cost-effective and

environmentally sound manner;

(iii) monitor non-indigenous species populations accurately and reliably;

(iv) provide for restoration of native species and habitat conditions in ecosystems that have been invaded;

(v) conduct research on non-indigenous species and develop technologies to prevent introduction and provide for environmentally sound control of harmful non-indigenous species; and

(vi) promote public education on harmful non-indigenous species and the means to address them; and

(2) No State Agency shall buy, plant, or acquire any plants designated by the Invasive Plant Atlas of New England as non-native invasives.

(e) Annual report. By January 15 each year, the Secretary shall submit a report on harmful non-indigenous species to the committee on environment, natural resources and agriculture. The report must include:

(1) Detailed information on expenditures for administration, education, management, inspections, and research;

(2) Detailed information on the loss of state resources due to harmful non-indigenous species;

(3) An analysis of the effectiveness of management activities conducted in the state, including but not limited to chemical and biological control, harvesting, takings, educational efforts, inspections, and enforcement actions;

(4) Information on the participation of stakeholders in control efforts;

(5) Information on management efforts in other states;

(6) Information on the progress made in the control of each listed species; and

(7) An assessment of future management needs.

Section 3. Classification and designation of non-indigenous species.

The Secretary shall designate as harmful non-indigenous, any plants designated by the Invasive

Plant Atlas of New England as non-native invasive.